

ORIGINAL

Decision No. 13205.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of the application of )  
the County of Fresno in the State of )  
California, for a permit to construct )  
and maintain a public highway crossing )  
at grade over the right of way and ) Application No. 9423.  
tracks of the Southern Pacific Railroad )  
at West Avenue in said County. )

E. M. Clark, for applicant.

F. W. Mielke, for Southern Pacific Company.

BY THE COMMISSION:

O P I N I O N

In this application the County of Fresno requests permission to construct West Avenue at grade across the track of Southern Pacific Company in the vicinity of Caruthers.

A public hearing was held on this application before Examiner Geary at Fresno, December 20, 1923.

The incorporated Town of Caruthers is located approximately in the center of Section 18, Township 16 South, Range 20 East, M.D.B. & M., southwest of Southern Pacific Company's right of way and its streets are parallel to and at right angles with the railroad. The track of the Southern Pacific runs in a general northwest and southeast direction, somewhat northeast

of the center of Section 18.

West Avenue is a north and south highway located on the east line of said Section 18 and extends many miles north and south of the railroad except from the railroad's southerly right of way line to the southeast corner of the northeast quarter of said Section 18. It is this portion of the road that the county proposes to build if permission is granted to cross the railroad, in order that the people living south of the railroad may have a direct outlet to the north and the people living on Caruthers Avenue may have a more direct route to the Town of Caruthers. Caruthers Avenue extends from West Avenue easterly along the center line of Section 17 and serves the territory east of Caruthers.

About fourteen families live along West Avenue south of the railroad and in going to points north they use West Avenue to the railroad, then turn northwest along an improved street adjacent to and southwest of the railroad right of way to Eighth Street, a distance of one-fourth miles, then turning northeast on Eighth Street, then cross the tracks adjacent to the Caruthers Depot and continue on Eighth Street to its intersection with West Avenue, a short distance south of the northwest corner of Section 18. By the opening of West Avenue across the railroad the distance of travel would be shortened about one-fourth mile.

It appears that the county is about to pave Eighth Street from Caruthers Avenue to West Avenue and to pave West Avenue north from its intersection with Eighth Street, but that West Avenue south of Eighth Street will not be improved, and that traffic north and south along West Avenue will be better served by using an improved road through Caruthers rather than continuing in a straight line across the railroad at the proposed crossing on an improved road although the distance is somewhat longer.

The ten or twelve families living on Caruthers Avenue in going to Caruthers now travel west along Caruthers Avenue to West Avenue, thence north along West Avenue to Eighth Street and then southwest along Eighth Street and across the railroad. With the opening of West Avenue across the railroad these people would travel south along West Avenue and then turn northwesterly along the road southwest of the tracks, thereby saving a distance of nearly one-fourth mile. This short saving of distance, for the small amount the proposed crossing will be used does not appear to justify the establishment of an additional crossing at this location. Since Eighth Street crosses the railroad about two thousand feet northwest and an east and west road crosses the railroad about one-half mile southeast of the proposed crossing, it further appears that no one is unreasonably deprived of a means of getting to or from points on opposite sides of the railroad and that public necessity does not justify the granting of this application and the creation of the resultant additional public hazard.

O R D E R

Board of Supervisors of the County of Fresno, State of California, having applied to the Commission for permission to construct West Avenue along the east line of Section 18, Township 16, South, Range 20 East, M.D.B. & M., across the tracks of Southern Pacific Company, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision,

IT IS HEREBY ORDERED, that the above entitled applica-

tion be and it is hereby denied.

Dated at San Francisco, California, this 7<sup>th</sup> day  
of February, 1924.

W. S. Seavey  
H. B. Amodeo  
James M. Smith  
Edward Shore  
W. H. Hitt  
Commissioners.